

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DERRICK BURKS, #1279475 §

VS. § CIVIL ACTION NO. 5:05cv204

STATE OF TEXAS §

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Caroline M. Craven. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case.

Petitioner filed objections to the Report. This Court made a *de novo* review of the objections, the response, and the objections raised in the response and determined that the objections lack merit. This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED** without prejudice; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 30th day of January, 2006.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE